

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

**FILED**  
Santa Fe, NM

APR 10 2002

STATE OF NEW MEXICO *ex rel.*  
State Engineer,

Plaintiff,  
v.

ROMAN ARAGON, *et al.*,  
  
Defendants.

W. ARCH, Clerk  
U.S. DISTRICT COURT  
DISTRICT OF NEW MEXICO

69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM  
Rio Cebolla, Section 3

Subfile No.: CHCB-005-0003

**CONSENT ORDER**

The Court, having considered the agreement between the Plaintiff State of New Mexico  
and Defendant(s):

**CLYDE C. BAKER**  
**THERESA BAKER**

concerning the Defendant's right to use the public waters of the Rio Chama Stream System,  
as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Cebolla, Section 3, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the element of the claims of the Defendant(s) adjudicated by this order.

**RECEIVED**

AUG 1 2001

OFFICE OF THE STATE ENGINEER  
LEGAL SERVICES DIVISION

*Rec'd by M. Santos*  
*08-21-01*

*6642*

4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rio Cebolla, Section 3, ~~are~~<sup>15 365</sup> set forth below:

**A. IRRIGATED LANDS (Surface Water Only):**

**Office of the State Engineer Files No(s)** 01133 - 01167

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface waters of the Rio Cebolla, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch Name:** ATENCIO NORTH DITCH

**Location X:** 1,551,652 feet **Y:** 2,000,325 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

**Location and Amount of Irrigated Acreage:**

Township 26N, Range 04E, Section 07, N.M.P.M.

Pt. SW $\frac{1}{4}$  14.7

Pt. SE $\frac{1}{4}$  3.6

Total 18.3 acres

As shown on the 2000 Hydrographic Survey Map CHCB- 5.

**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

**B. IRRIGATED LANDS (Surface Water Only):**

**Office of the State Engineer Files No(s)** 01133 - 01167

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface waters of the Rio Cebolla, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch Name:** ATENCIO SOUTH DITCH

**Location X:** 1,551,320 feet **Y:** 2,000,315 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

**Location and Amount of Irrigated Acreage:**

Township 26N, Range 04E, Section 07, N.M.P.M.

Pt. SW $\frac{1}{4}$  4.8

Pt. SE $\frac{1}{4}$  0.6

Total 5.4 acres

As shown on the 2000 Hydrographic Survey Map CHCB- 5.

**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

**C. NO RIGHT (Surface Water Only):**

**Office of the State Engineer Files No(s)** 01133 - 01167

**Priority:** NONE

**Source of Water:** Surface waters of the Rio Cebolla, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch Name:** EMILIANA MAES SOUTH DITCH

**Location X:** 1,549,456 feet **Y:** 1,999,854 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

**Location and Amount of Irrigated Acreage:**

Township 26N, Range 04E, Section 07, N.M.P.M.

Pt. SW $\frac{1}{4}$

0.4  
Total 0.4 acres

As shown on the 2000 Hydrographic Survey Map CHCB- 5.


**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Cebolla, Section 3, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Cebolla, Section 3, except in strict accordance with the water rights described herein.

7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Cebolla, Section 3, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Cebolla, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.

  
UNITED STATES DISTRICT JUDGE

Recommended for approval:

  
SPECIAL MASTER

ACCEPTED:   
THERESA BAKER

ACCEPTED:   
CLYDE C. BAKER

ADDRESS: P.O. Box 245  
Cebolla New Mexico  
87518

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Cebolla N.M. 87518

DATE: 8-1-01

DATE: 8-1-01

Ed Newville

EDWARD G. NEWVILLE  
Special Assitant Attorney General

8.2.01

Date